

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 77
AGENDA DATE: Thu 12/16/2004
PAGE: 1 of 1

SUBJECT: C14-04-0163 - Crestview Tract 133 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2207-2211 Pasadena Drive (Shoal Creek Watershed) from neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning in order to change a condition of zoning. First Reading on November 18, 2004. Vote 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0163

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2207 – 2211 Pasadena Drive (Shoal Creek Watershed) from neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning to neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) in order to change a condition of zoning. The Conditional Overlay establishes that if Lot 4 is developed with a use other than a single family residence, a two-family residence or a duplex, then a 25-foot wide vegetative buffer shall be provided along the east property line of Lot 4.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Wendy Walsh)

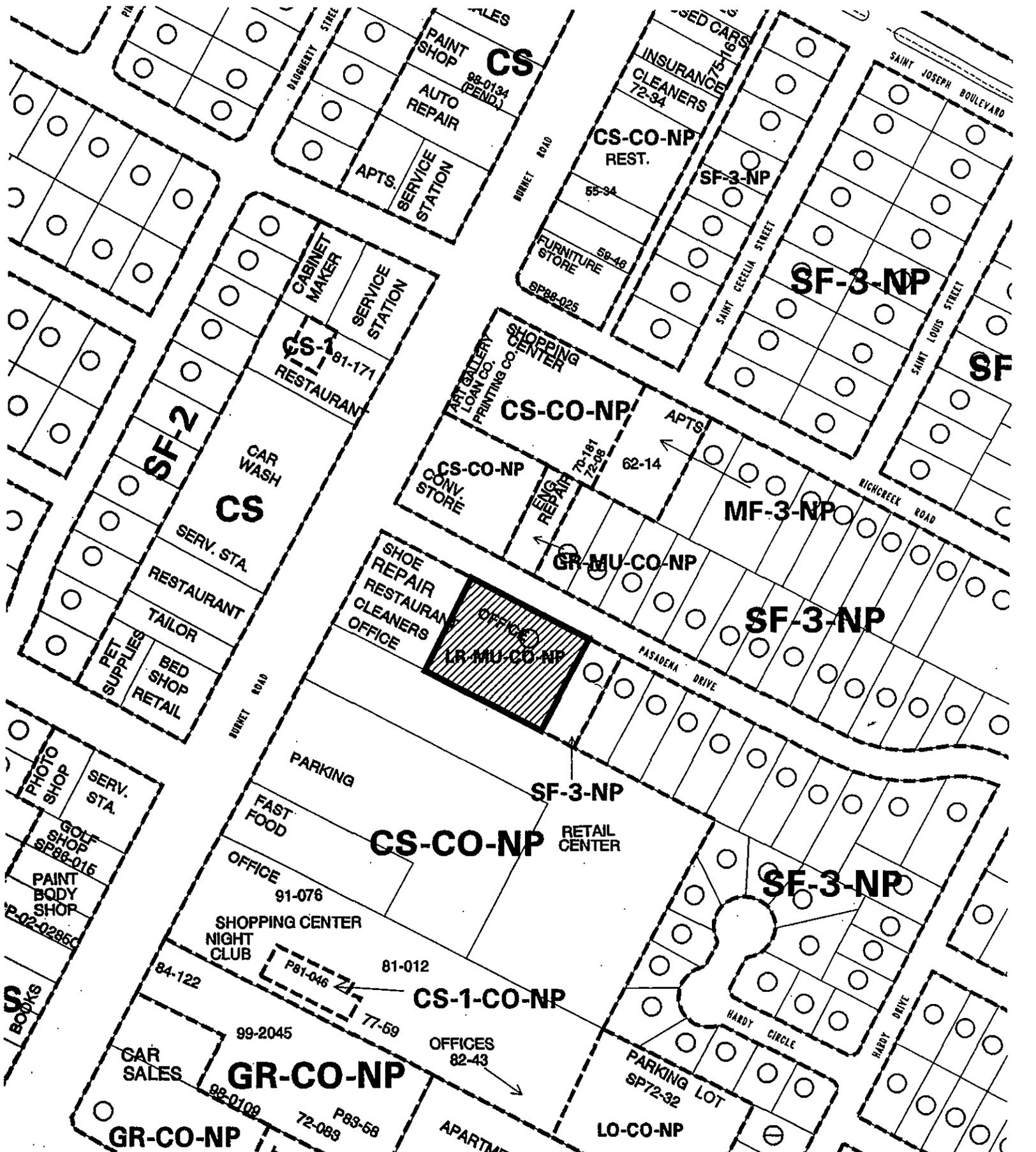
DATE OF FIRST READING: November 18, 2004, approved LR-MU-CO-NP district zoning, on 1st Reading (7-0).

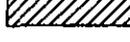
CITY COUNCIL HEARING DATE: December 16, 2004

CITY COUNCIL ACTION:

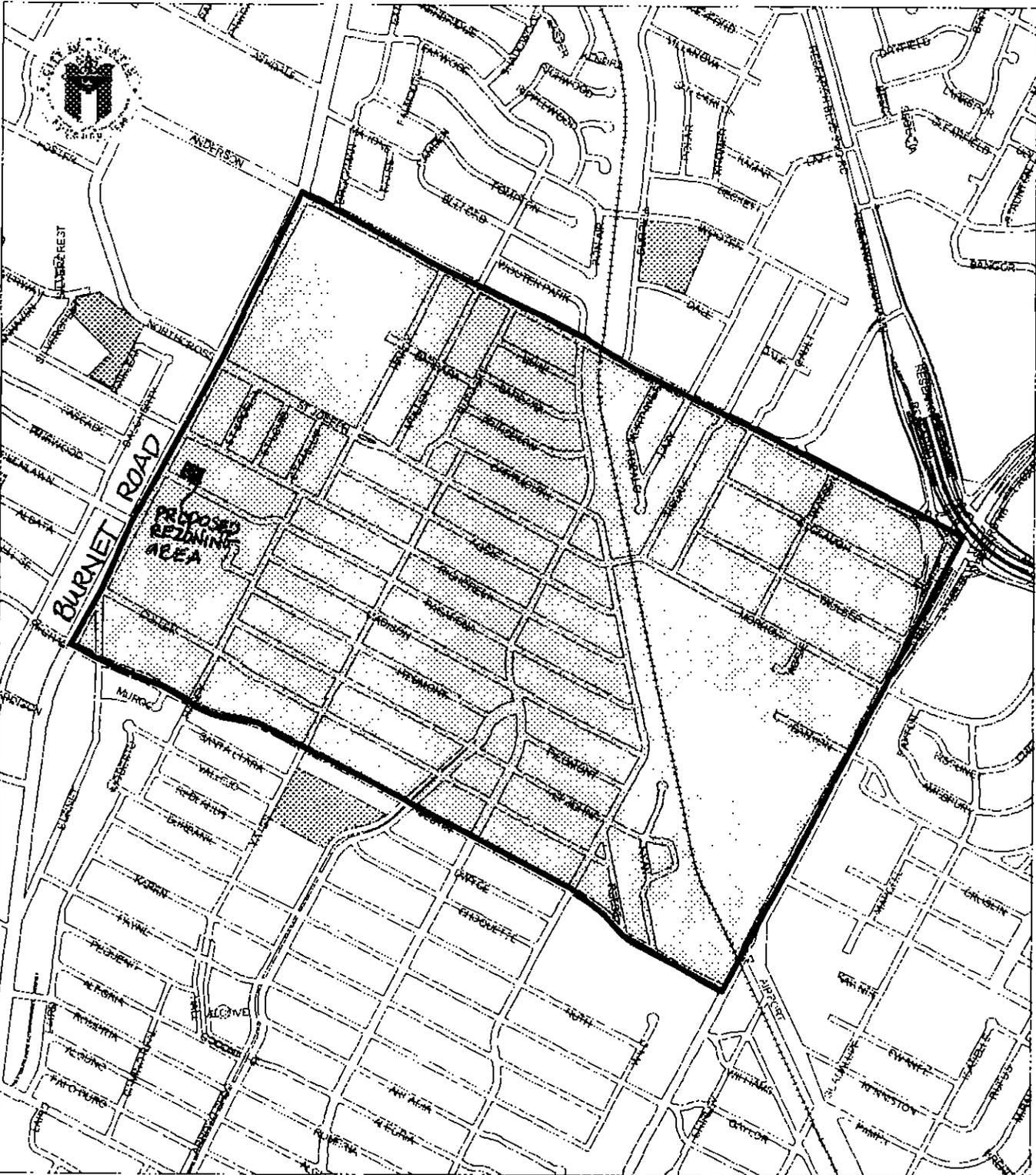
ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh, 974-7719
e-mail: wendy.walsh@ci.austin.tx.us

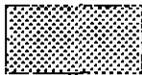


 1" = 200'	SUBJECT TRACT 	ZONING CASE #: C14-04-0163 ADDRESS: 2207-2211 PASADENA DR. SUBJECT AREA (acres): 0.942	CITY GRID REFERENCE NUMBER J29	
	PENDING CASE 			DATE: 04-10
	ZONING BOUNDARY 			INTLS: TRC
	CASE MGR: W.WALSH			

CONDOMINIUMS



Crestview Neighborhood Planning Area

 Parks

0.3 0 0.3 Miles



ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 2207-2211 PASADENA DRIVE IN THE CRESTVIEW
3 NEIGHBORHOOD PLAN AREA FROM NEIGHBORHOOD COMMERCIAL-
4 MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-MU-CO-
5 NP) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED
6 USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-MU-CO-NP)
7 COMBINING DISTRICT.

8
9 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

10
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base district from neighborhood commercial-mixed use-conditional overlay-
13 neighborhood plan (LR-MU-CO-NP) combining district to neighborhood commercial-
14 mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district on
15 the property described in Zoning Case No.C14-04-0163, on file at the Neighborhood
16 Planning and Zoning Department, as follows:

17
18 Lots 2-4, C.R. Scales Subdivision, a subdivision in the City of Austin, Travis
19 County, Texas, according to the map or plat of record in Plat Book 19, Page 45, of
20 the Plat Records of Travis County, Texas, (the "Property")

21
22 locally known as 2207-2211 Pasadena Drive, in the Crestview neighborhood plan area, in
23 the City of Austin, Travis County, Texas, and generally identified in the map attached as
24 Exhibit "A".

25
26 **PART 2.** The Property within the boundaries of the conditional overlay combining district
27 established by this ordinance is subject to the following conditions:

28
29 If Lot 4 is developed with a use other than a single family residential use, a two-
30 family residential use, or a duplex residential use, then a 25-foot wide vegetative buffer
31 shall be provided along the east property line of Lot 4.

32
33 Except as specifically restricted under this ordinance, the Property may be developed and
34 used in accordance with the regulations established for the neighborhood commercial (LR)
35 base district and other applicable requirements of the City Code.
36

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0163

P.C. DATE: October 26, 2004
November 9, 2004

ADDRESS: 2207 – 2211 Pasadena Drive

APPLICANT: City of Austin –
Neighborhood Planning and Zoning
Department (Scott Whiteman)

AGENT: City of Austin –
Neighborhood Planning and Zoning
Department (Wendy Walsh)

ZONING FROM: LR-MU-CO-NP

TO: LR-MU-CO-NP, **AREA:** 0.942 acres
as amended (41,033.52 square feet)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning. The Conditional Overlay applies a 25 foot setback along the east property line that prohibits buildings, structures, parking or driveways for development other than single family residences, two family residences and duplexes.

PLANNING COMMISSION RECOMMENDATION:

October 26, 2004: *POSTPONED UNTIL 11-09-04 (NEIGHBORHOOD)*
VOTE: 8-0 (D.S., M.M – 2nd)

November 9, 2004: *APPROVED THE STAFF RECOMMENDATION OF LR-MU-CO-NP DISTRICT ZONING.*
VOTE: 8-0 (D.S. – 1ST, C.M. – 2ND)

ISSUES:

Zoning History of Tract 133 and Adjacent Lot to the East; Basis for Staff Recommendation

Lot 2 and the west 30 feet of Lot 3 were zoned GR, General Retail, First Height and Area for a proposed electric and plating shop in October 1971. The eastern 30 feet of Lot 3 was zoned "B" Residence (converted to MF-3 in 1984) for the expressed intent of establishing a gradation of zoning to protect the adjacent residential lot to the east and to provide parking. The rezoning was subject to a 5 foot wide right-of-way dedication on Pasadena Drive (C14-71-224 – comprising 31,635 square feet). The 1971 Zoning Map *incorrectly* shows that all of Lot 3 is zoned MF-3, while the ordinance text *correctly* established the boundaries of GR and MF-3 zoning, as described above. Lot 4 was zoned SF-3. Please refer to Attachment A at the back of the staff report.

The City's official zoning maps in 1982 and March 1992 continue to show all of Lot 3 as MF-3 (incorrectly as noted above) and Lot 4 as zoned SF-3 (correct). The January 2002 Zoning Map *expanded* the boundary of GR zoning to encompass all of Lot 4, while the adjacent property to the east (not a part of this rezoning case) showed MF-3 zoning (incorrect, but was rezoned to SF-3-NP as part of the Crestview Neighborhood Plan Rezoning, completed in April 2004). Please refer to Attachment B at the back of the staff report. Rezoning cases in proximity to Tract 133 were researched to try to determine when GR zoning was applied to Lot 4 and MF-3 to the adjacent lot to the east, but attempts to clarify this issue have been unsuccessful. However, one possible explanation

is that the errors may have occurred at the time the City's mapping converted to a Geographic Information System.

Lots 2, 3 and 4 of the C.R. Scales Subdivision (the subject property, Tract 133 of the Crestview Neighborhood Plan) was rezoned to LR-MU-CO-NP on April 1, 2004 (Ordinance No. 040401-32B). Mixed Use was applied to this property to encourage pedestrian-oriented uses in proximity to the Burnet Road corridor and residential development could occur at MF-2 standards. The CO, Conditional Overlay established a 50-foot setback from an SF-5 or more restrictive zoned property.

On September 17, 2004, the Planning Commission voted to accept staff's proposal to initiate a rezoning application on these three lots (known as Tract 133 of the Crestview Neighborhood Plan Rezoning) to consider removal of the Conditional Overlay. Please refer to Exhibit C.

On November 2, 2004, the property owners (Jon Robinson and Sam Scott Ragsdale) and the adjacent property owner to the east have agreed to a Conditional Overlay for a 25 foot setback along the east property line that would not contain buildings, structures, parking or driveways (i.e., a vegetative buffer). The President of the Crestview Neighborhood Association is also in agreement with this setback. Please refer to the letters attached at the back of the staff report. The staff recommends this Conditional Overlay *for development other than single family residences, two family residences and duplexes* as it provides additional setbacks to the adjacent single family residences over and above that prescribed by the City's compatibility standards for small sites (Lot 4 is less than 20,000 square feet and a street frontage less than 100 feet and therefore, qualifies as a small site), yet also allows for development to occur on the western side of the lot, closer to the existing parking lot and office building.

DEPARTMENT COMMENTS:

The subject rezoning area consists of three platted lots (Lots 2-4 of the C.R. Scales Subdivision) and is developed with one single family residence, an office and a parking lot, and takes access to Pasadena Drive. Please refer to Exhibits A (Zoning Map) and Exhibit A-1 (Aerial View). All three lots carry neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning through the Crestview Neighborhood Plan rezonings, approved by Council on April 1, 2004. The Conditional Overlay applied to these lots, as well as other properties along or within close proximity to Burnet Road that were identified to be of sufficient width, established a 50 foot setback from an SF-5 or more restrictive district. The purpose of the Conditional Overlay was to enhance compatibility between commercial and residential properties. At the time of the rezonings, the City's parcel data indicated that the rezoning area was a single, 0.85 acre tract and 245 feet wide, rather than three platted lots. The application of a 50 foot setback for Lot 4 which is only 60 feet wide significantly impacts the developability of this lot. Furthermore, the Conditional Overlay for the setback would not have been applied to Tract 133 had accurate subdivision plat information been available. For example, the tract on the north side of Pasadena Drive that includes a portion of the automotive repair and office uses (zoned GR-MU-CO-NP) is approximately 60 feet wide and does not have a 50 foot setback.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-MU-CO-NP	Single family residence; Acupuncture office; Parking lot
<i>North</i>	CS-CO-NP; GR-MU-CO-NP; SF-3-NP	Service station with food sales; Book store; Therapy clinic; Automotive repair; 2 duplexes; Single family residences
<i>South</i>	CS-CO-NP	Retail shopping center
<i>East</i>	SF-3-NP	Single family residences
<i>West</i>	CS; CS-1	Shoe repair; Dry cleaners; Office; Service station; 3 restaurants; Auto washing; Automotive repair; Retail; Bed shop

NEIGHBORHOOD PLANNING AREA: Crestview /
Wooten Combined NPA
(Crestview)

TIA: Is not required

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

3 – Allandale Neighborhood Association
283 – North Austin Neighborhood Alliance

93 – Crestview Neighborhood Association
511 – Austin Neighborhoods Council

SCHOOLS:

Brentwood Elementary School

Lamar Middle School

Lanier High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0004	Crestview – Wooten Neighborhood Plan Combining District Rezoning	To Grant staff recommendations with conditions (2-10-04).	Approved with conditions (4-1-04).

RELATED CASES:

The subject property is platted as Lots 2, 3 and 4 of the C.R. Scales Subdivision, recorded in 1964 (C8s-64-39). Please refer to Exhibit B.

There are no related site plan cases on the subject property.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
Pasadena Drive	50 feet	28 feet	Minor Residential
Burnet Road	120 feet	60 feet	Arterial

- There are existing sidewalks along both roadways.
- Burnet Road is classified in the Bicycle Plan as a Priority Barrier to Traffic bike route.
- Capital Metro bus service is available along Burnet Road.

CITY COUNCIL DATE: November 18, 2004

ACTION: Approved LR-MU-CO-NP district zoning as recommended by Planning Commission, on 1st Reading (7-0)

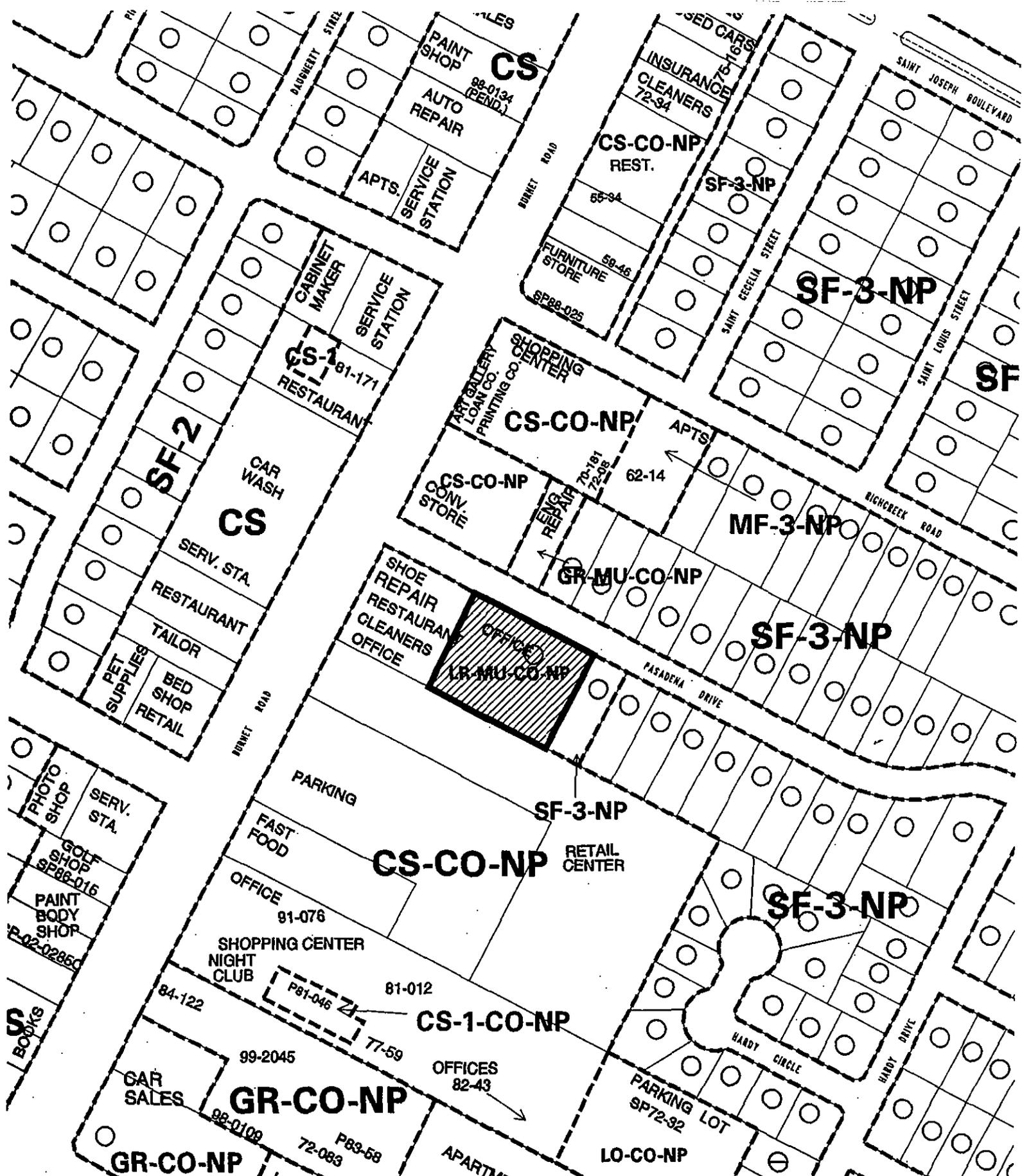
December 16, 2004

ORDINANCE READINGS: 1st November 18, 2004 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719




 SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: WWALSH

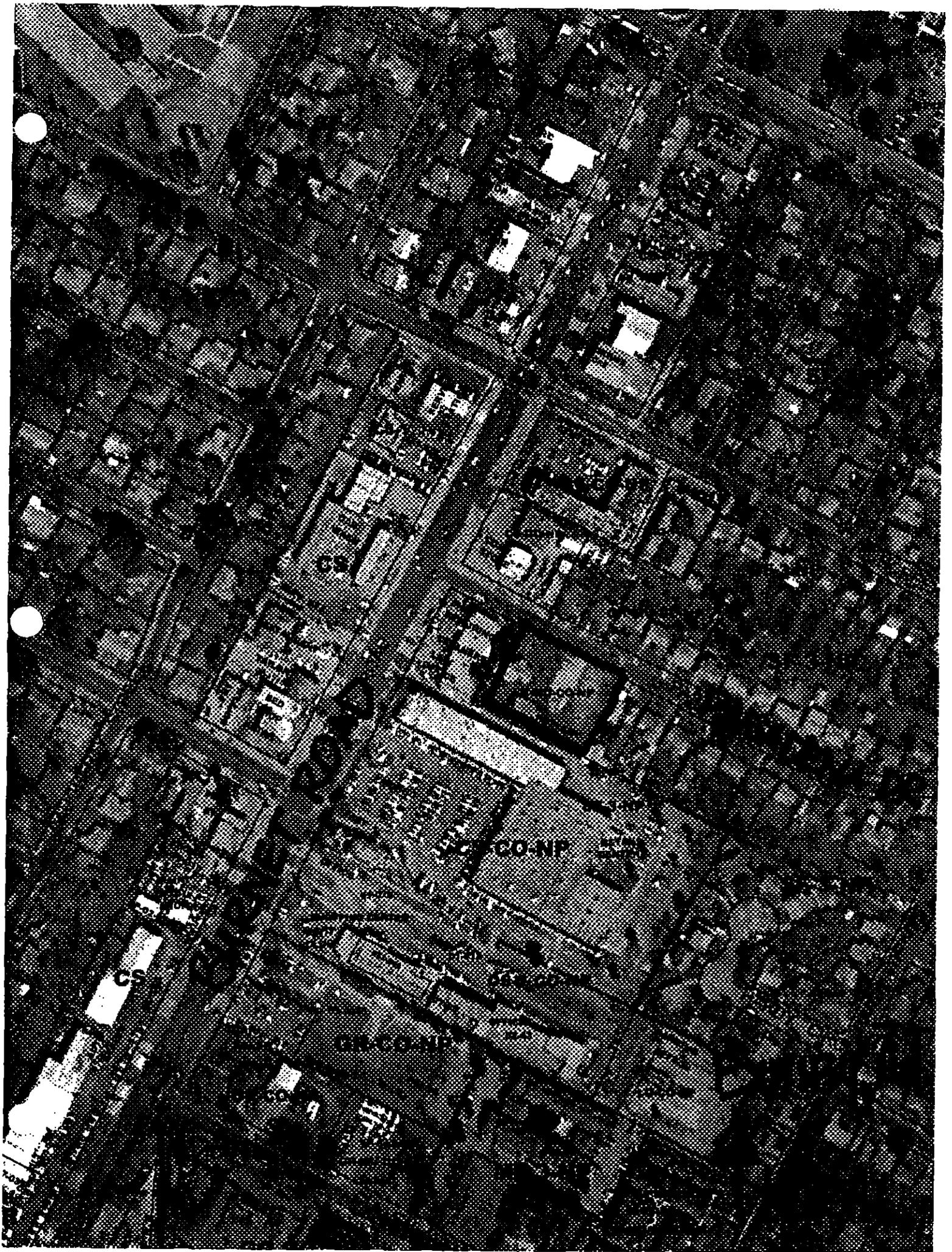
ZONING Exhibit A
 CASE #: C14-04-0163
 ADDRESS: 2207-2211 PASADENA DR.
 SUBJECT AREA (acres): 0.942

CITY GRID
 REFERENCE
 NUMBER
 J29

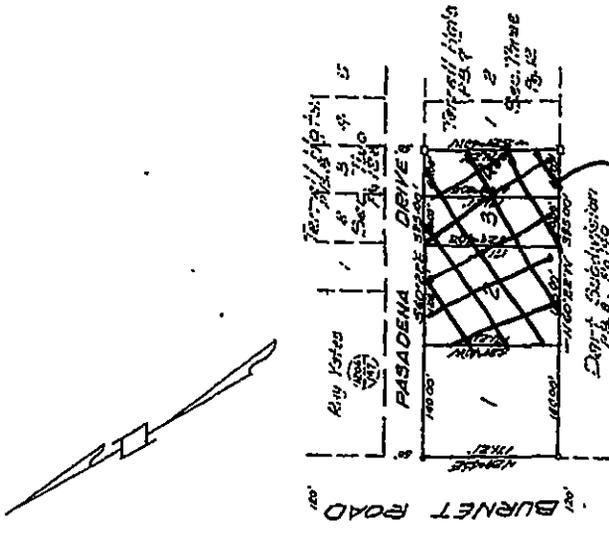
DATE: 04-10

INTLS: TRC

CONDOMINIUMS



C. R. SCALES SUBDIVISION



REZONING AREA

LEGEND
 Iron State Sub
 Iron State Road
 Travis County Dead Ends
 Concrete Monument
 Scale 1" = 100 Feet

THE STATE OF TEXAS
 COUNTY OF TRAVIS
 KNOW ALL MEN BY THESE PRESENTS:
 I, C. R. SCALES and WIFE POAR SCALES, being the
 owners of Lots #2, #3 and #4 as shown hereon, being all of
 our remaining portion of a 4.50 acre tract out of the George
 H. Spoor League Survey #7 in Travis County, Texas, as conveyed
 to us by deed of record in Volume 157, Page 488, Travis County
 Deed Records.
 And, Nelson Puett, Jr., being the owner of Lot #1
 as shown hereon, being all of that certain portion of the said
 4.50 acre tract as conveyed to me by deed of record in Volume
 2567, Page 11, Travis County Deed Records,
 we hereby adopt this plat as our subdivision of
 same, to be known and designated as

"C. R. SCALES SUBDIVISION"

and we do hereby dedicate to the public all of the streets and easements as shown hereon.

WITNESS OUR HANDS this 7th day of March A. D. 1964.

C. R. Scales
 C. R. SCALES
POAR SCALES
 POAR SCALES
Nelson Puett, Jr.
 NELSON PUETT, JR.

THE STATE OF TEXAS
 COUNTY OF TRAVIS
 BEFORE ME, the undersigned authority,
 on this day personally appeared C. R. Scales and POAR Scales,
 his wife, both known to me to be the persons whose names are
 that each executed the foregoing instrument and acknowledged
 that each executed the same for the purposes and consideration
 therein expressed, and the said POAR Scales, wife of the said
 C. R. Scales, having been examined by me privately and apart from
 her husband, and having the same fully explained to her, she
 the said POAR Scales, acknowledged such instrument to be her
 act and deed, and she declared that she had willingly signed
 the same for the purposes and consideration therein expressed,
 and that she did not wish to retract it.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 7th day of
 March A. D. 1964.
Clara Thompson
 Notary Public in and for Travis County, Texas

THE STATE OF TEXAS
 COUNTY OF TRAVIS
 BEFORE ME, the undersigned authority,
 on this day personally appeared Nelson Puett, Jr., known to me
 to be the person whose name is subscribed to the foregoing
 instrument, and acknowledged to me that he executed the same
 for the purposes and consideration therein expressed,
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 7th day of
 March A. D. 1964.
Dorothy Thomas
 Notary Public in and for Travis County, Texas.

EXHIBIT B
PAGE 2 OF 2
RECORDED PLAT



Supervised Plan, d. 1964.
Supervisor Engineering Co.
By Markham D. McTeer
Nelson C. McTeer
Reg. Public Surveyor 555

PLAT FOR RECORD BY
 MISS ELLIE LINBERG
 COMMISSION, CITY OF AUSTIN, TEXAS
 1964
Linberg

A. D. the 12 day of March A. D. 1964.
 MISS ELLIE LINBERG
 CLERK, CITY OF AUSTIN, TEXAS
Linberg

Clerk of County Court,
 County and State aforesaid, do hereby
 certify and recording instrument of
 this and foregoing instrument was
 in my office on the 12 day of March
 A. D. 1964 and duly recorded at
 10:00 o'clock A. M. in Book 19 Page 45-1
 of said county in Book 19 Page 45-1.
 AND SEAL OF OFFICE OF the County Court
 CLERK, MISS ELLIE LINBERG,
 CLERK, CITY OF AUSTIN, TEXAS
Linberg



MEMORANDUM

To: Chris Riley, Chair
and Members of the Planning Commission

From: Ricardo Soliz, Neighborhood Planning Manager
Neighborhood Planning and Zoning Department

Date: September 17, 2004

Subject: 2207-2211 Pasadena Drive, Tract 133 of the Crestview/Wooten Neighborhood Plan

Please accept this memo as a request to initiate the rezoning of the above referenced property from LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District, to LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining District. This property was rezoned as part of the Crestview/Wooten Combined Neighborhood Plan and approved by Council on April 1, 2004. The neighborhood plan recommended adding a conditional overlay to commercial properties on the Burnet Road corridor for a 50-foot setback from an SF-5 or more restrictive zone property. This setback requirement was included in the zoning recommendation for this property as the only additional condition.

At the time of the zoning change, City records indicated that this property was a single .85-acre tract. However, we have since learned that this property was actually legally subdivided into 3 lots in 1964. The eastern most lot, C.R. Scales Subdivision Lot 4, is 60 feet wide. As a result, the 50-foot setback requirement renders this lot practically undevelopable.

To avoid any undue burden on the property owner, Staff is requesting that the Planning Commission initiate a new zoning application to LR-MU-NP, to remove the conditional overlay from the property. If you have any questions, please contact Scott Whiteman at 974-2865.

Attachment: Map

cc: Greg Guernsey, Development Services Manager

EXHIBIT C

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning. The Conditional Overlay applies a 25 foot setback along the east property line that prohibits buildings, structures, parking or driveways for development other than single family residences, two family residences and duplexes.

BACKGROUND

The subject rezoning area consists of three platted lots (Lots 2-4 of the C.R. Scales Subdivision) and is developed with one single family residence, an office and a parking lot, and takes access to Pasadena Drive. All three lots carry neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning through the Crestview Neighborhood Plan rezonings, approved by Council on April 1, 2004. The Conditional Overlay applied to these lots, as well as other properties along or within close proximity to Burnet Road that were identified to be of sufficient width, established a 50 foot setback from an SF-5 or more restrictive district. The purpose of the Conditional Overlay was to enhance compatibility between commercial and residential properties. At the time of the rezonings, the City's parcel data indicated that the rezoning area was a single, 0.85 acre tract and 245 feet wide, rather than three platted lots. The application of a 50 foot setback for Lot 4 which is only 60 feet wide significantly impacts the developability of this lot. Furthermore, the Conditional Overlay for the setback would not have been applied to Tract 133 had accurate subdivision plat information been available. For example, the tract on the north side of Pasadena Drive that includes a portion of the automotive repair and office uses (zoned GR-MU-CO-NP) is approximately 60 feet wide and does not have a 50 foot setback.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

For development other than single family residences, two family residences and duplexes, the staff recommends a 25 foot setback along the east property line that prohibits buildings, structures, parking or driveways, as it will provide additional compatibility to the adjacent single family residences over and above that prescribed by the City's standards for small sites, yet also allows for development to occur on the western side of the lot, closer to the existing parking lot and office building.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is developed with one single family residence, an acupuncture office and a parking lot, and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the LR-MU-NP zoning district would be 80%, which is a consistent figure between the watershed and zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

No additional right-of-way is needed at this time.

The traffic impact analysis for this site was waived because it is a City-initiated case.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria.

Compatibility Standards

The site is subject to compatibility standards. One of two situations will apply:

1) If the eastern most lot which is 60 feet wide is developed on a stand-alone basis, it qualifies as small site and the following standards apply along the eastern property line:

- No structure may be built within 17 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed on the remainder of the tract.
- No parking is permitted within 8 feet of the property line, and no driveways are allowed within 3 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

2) If the eastern lot is developed in conjunction with the adjacent 2 lots to the west, then the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the front property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Walsh, Wendy

From: Chip Harris [chip.harris@cpa.state.tx.us]
Sent: Tuesday, October 26, 2004 12:23 PM
To: Walsh, Wendy
Cc: Whiteman, Scott
Subject: Postponement Request Case # C14-04-0163

RE: Case # C14-04-0163 (2207 - 2211 Pasadena)

Ms. Walsh,

Please consider this request to postpone case # C14-04-0163 for four weeks due to confusion that has surfaced with respect to the historical zoning of 2207 Pasadena. I will be attending this evening's planning commission meeting to make this request of the commission.

Thank you,

Chip Harris
463-3672

Chip Harris
Unclaimed Property Claims
(512)936-6255

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0163

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

October 26, 2004 Planning Commission

DAVID GARDNER

Your Name (please print)

I am in favor
 I object

2108 PASADENA DR. PASADENA TX 78751

Your address(es) affected by this application

[Signature]

Signature

10/26/04

Date

Comments: PERSONS THE LOT LINE

POTENTIALLY CLOSE A BUSINESS IN
CLOSE PROXIMITY TO A RESIDENCE.
PASADENA DRIVE ALREADY
EXPERIENCES TOO MUCH DENSED'S
TRAFFIC AND ADDRESS A NEW
BUSINESS WOULD ONLY CONTRIBUTE
TO THIS PROBLEM.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
P. O. Box 1088
Austin, TX 78767-8810

CITY PLANNING COMMISSION

October 26, 2004

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M.

_____ John-Michael Cortez

_____ Cid Galindo

_____ Matt Hollon, Asst. Secretary

_____ Cynthia Medlin, Vice-Chair

_____ Matthew Moore, Secretary

_____ Jay Reddy

_____ Chris Riley, Chair

_____ Dave Sullivan, Parliamentarian

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

NO SPEAKERS

APPROVAL OF MINUTES

2. Approval of minutes from October 12, 2004.

MOTION: APPROVE BY CONSENT

VOTE: 7-0 (DS-1st, JR-2nd; JMC- ABSTAIN)

CODE AMENDMENTS

3. Code C20-04-011 -

Amendment:

Request: Approval of Code Amendment

Staff Rec.: **RECOMMENDED**

Staff: Steve Barney, 974-3126, steve.barney@ci.austin.tx.us
Neighborhood Housing & Community Development

Facilitator: Katie Larsen, 974-6413

katie.larsen@ci.austin.tx.us

- 12. Rezoning: C14-04-0163 - Crestview Tract 133**
 Location: 2207-2211 Pasadena Drive, Shoal Creek Watershed, Crestview NPA
 Owner/Applicant: City of Austin - Neighborhood Planning and Zoning Department (Scott Whiteman)
 Agent: City of Austin - Neighborhood Planning and Zoning Department (Wendy Walsh)
 Request: LR-MU-CO-NP to LR-MU-NP
 Staff Rec.: **RECOMMENDED**
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

DISCUSSION POSTPONEMENT

Wendy Walsh explained that there was an error on the zoning map for this property some time between 1984 and the Crestview Neighborhood Plan 2003-04 rezoning case.

FOR POSTPONEMENT TO NOVEMBER 9, 2004

John Robertson, co-owner of tract, has owned the tract since 1999. It is part of his homestead. Due to the restriction on the property from the CO, the tract is unbuildable. He wants this resolved and that can happen in the next two weeks.

AGAINST NOV. 9; FOR NOV. 23 POSTPONEMENT

Chip Harris, president of the neighborhood association, said they want more time to review the legal issues. They do not know how long it will take to resolve the legal issues.

Commissioner Riley asked Mr. Harris the problem with postponing to November 9 if it is possible to resolve the issues by then? Mr. Harris said if they are resolved by then, okay, but only if the information is provided by then.

MOTION: POSTPONE TO NOVEMBER 9, 2004 (NEIGHBORHOOD REQUEST)

VOTE: 8-0 (DS-1st, MM-2nd)

- 13. Rezoning: C14-04-0136 - 1500 Summit Street**
 Location: 1500 Summit Street, Harper's Branch Watershed, East Riverside / Oltorf NPA (Riverside) NPA
 Owner/Applicant: Waterloo Partners, L.P. (John S. Graham)
 Agent: Thrower Design (Ron Thrower)
 Request: GO to GR-MU
 Staff Rec.: **ALTERNATE RECOMMENDATION: GO-MU-CO**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

DISCUSSION POSTPONEMENT

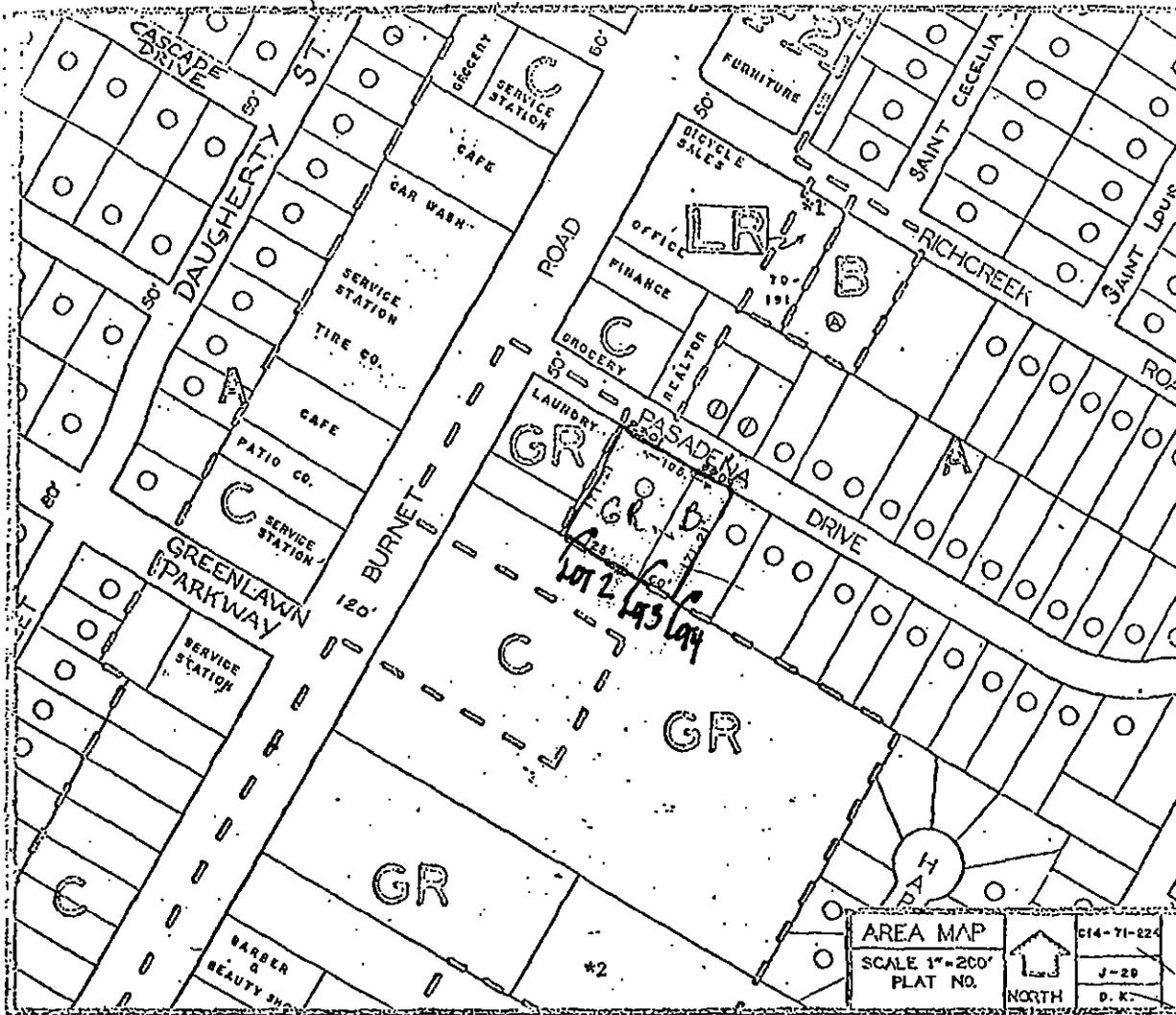
Glenn Rhoades explained that the neighborhood tried to contact the staff person to submit postponement request, but the staff person is out for two weeks.

ADDRESS: 2209-2201 Pasadena

AREA: 31,635 square feet

ZONING REQUEST: From: "A" Residence, First Height and Area
 To: "GR" General Retail, First Height and Area

PROPOSED USE: Electric and Plating Shop



STREET	R.O.H.	SURFACING	CAR COUNT	CLASSIFICATION
Pasadena Drive	50 feet	28 feet	NA	Minor residential

HISTORY/LOCATION	REQUEST	ACTION	FILE
*1	B 1st to C 1st	Granted LR	C14-70-191
*2	A 1st to GR 1st & B 1st	Granted GR	C14-67-195

Marchaca

Attachment A
1971 ZONING
MAP

TRACT B: From Interim "A" Residence District to "BB" Residence District on the property described in File C14-71-220, to-wit:

A 1.5 acre tract of land, out of Cherry Creek East Subdivision, as recorded in Book 54, Page 50 of the Plat Records of Travis County, Texas,

locally known as 5620-5712 Emerald Forest Drive, in the City of Austin, Travis County, Texas.

TRACT C: From Interim "A" Residence District to "GR" General Retail District on the property described in File C14-71-220, to-wit:

A 1 acre tract of land, out of Cherry Creek East Subdivision, as recorded in Book 54, Page 50 of the Plat Records of Travis County, Texas,

locally known as 1033-1049 Stassney Lane; 5600-5618 Emerald Forest Drive, in the City of Austin, Travis County, Texas.

(6) TRACT 1: From "A" Residence District to "GR" General Retail District on the property described in File C14-71-224, to-wit:

Lot 2, and the west thirty feet of Lot 3, C. R. Scales Subdivision as recorded in Book 19, Page 45 of the Plat Records of Travis County, Texas; and,

TRACT 2: From "A" Residence District to "B" Residence District on the property described in File C14-71-224, to-wit:

The east thirty feet of Lot 3, C. R. Scales Subdivision as recorded in Book 19, Page 45 of the Plat Records of Travis County, Texas;

locally known as 2209-2301 Pasadena Drive, in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the USE maps accompanying Chapter 45 of the Austin City Code of 1967 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended and the necessity to allow expedient development of the land herein affected creates an emergency requiring that this ordinance become effective.

Attachment A
1971 ZONING
ORDINANCE TEXT

tive immediately; therefore, upon the final passage of this ordinance as required by law, this ordinance shall become effective immediately.

PASSED AND APPROVED

October 14, 1971

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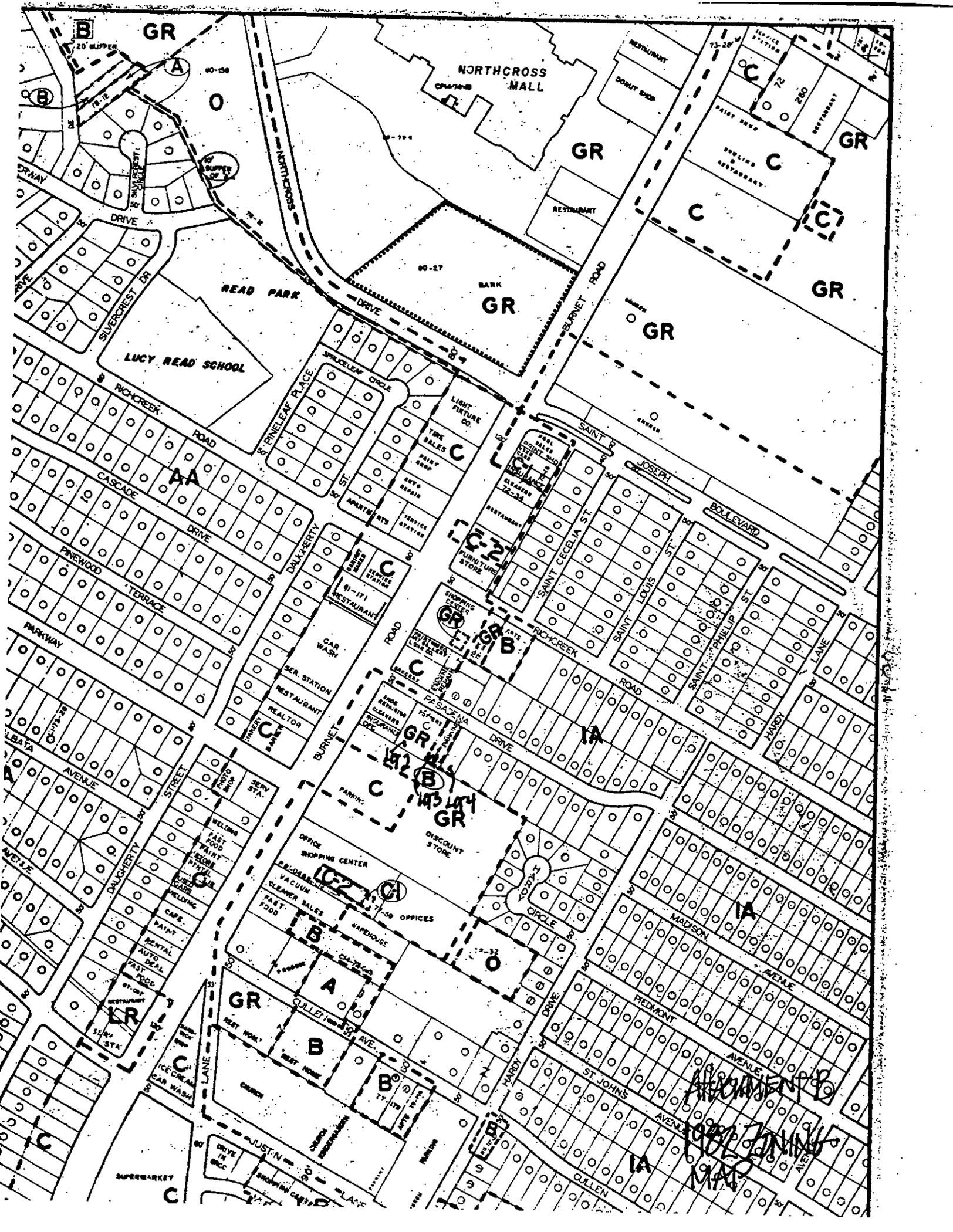
(Signed) Roy Butler

APPROVED: (Signed) DON R. BUTLER
City Attorney

ATTEST: ³ Mayor Elaine Woolley
City Clerk

11OCT71

Attachment A
1971 ZONING
ORDINANCE TEXT



NORTHCROSS MALL

GR

GR

GR

READ PARK

GR

GR

LUCY READ SCHOOL

GR

RICHCREEK ROAD

AA

GR

GR

SILVERCREST DR

CASCADE DRIVE

PINEWOOD DRIVE

TERRACE DRIVE

PARKWAY

AVENUE

DAUCHERTY STREET

WELDON

PAINT

REPAIR

WELDING

CAFE

PAINT

RENTAL

AUTO DEAL

RESTAURANT

RESTAURANT

SPRICKLE CIRCLE

RINELEAF PLACE

DAUCHERTY

BURNET ROAD

DAUCHERTY

SPRICKLE CIRCLE

RINELEAF PLACE

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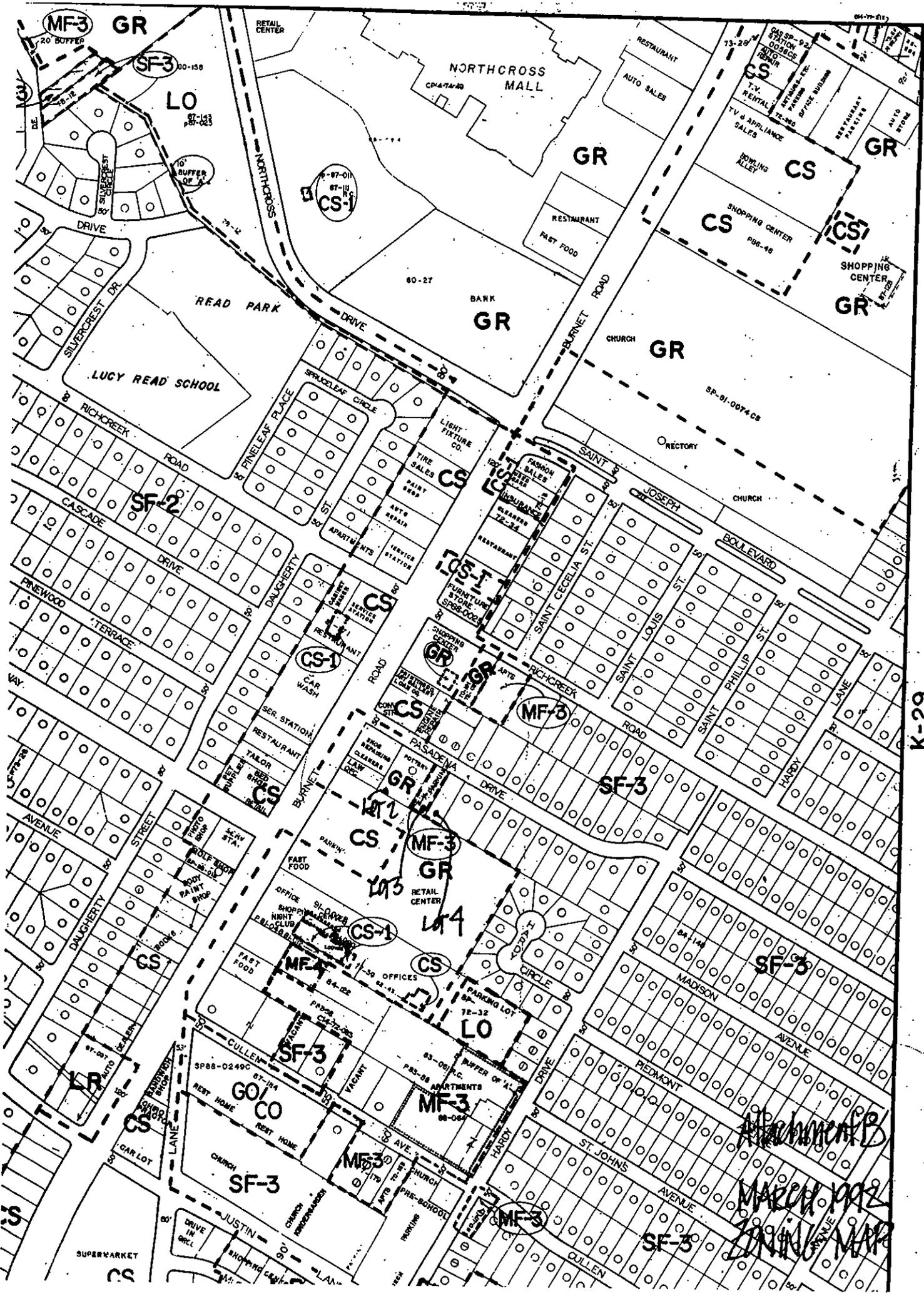
RINELEAF PLACE

DAUCHERTY

BURNET ROAD

DAUCHERTY

AGREEMENT B
1982 ZONING MAP



K-29

Attachment B
MARCH 1992
ZONING MAP

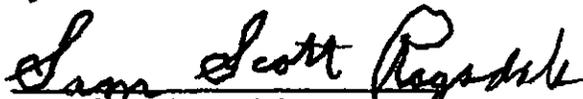
November 2, 2004

To the Members of the Planning Commission:
Re: Case # C 14-04-0163 2207 to 2211 Pasadena Drive

I am writing re: Case # C 14-04-0163 to offer a solution to the concern voiced by a member of the Crestview Neighborhood Association. After discussions with my next-door neighbor, Jesse L. McCrady, Sam Scott Ragsdale and myself (Jon Robinson) have agreed to a 25 foot area adjacent to the 2205 Pasadena Drive that will not be used for a building structure or/and public parking in the proposed change to LR-MU-NP.

This agreement should resolve any of the concerns for all parties. Hopefully the process can be expedited without further delays. We appreciate your hard work and patience with all of us. If you need any additional information or assistance, please let us know. Thank you for considering these issues.

Sincerely,


Jon Robinson
Sam Scott Ragsdale
Jesse L. McCrady

Cc: Scott Whiteman
Wendy Walsh

Walsh, Wendy

From: Whiteman, Scott
Sent: Monday, November 08, 2004 3:36 PM
To: Walsh, Wendy
Subject: FW: C14-04-0163 2207 Pasadena CO notes

I think this should go to you.

Scott Whiteman, AICP
Senior Planner
Neighborhood Planning and Zoning Department
Phone: (512) 974-2865

-----Original Message-----
From: Chip Harris [mailto:chip.harris@cpa.state.tx.us]
Sent: Monday, November 08, 2004 2:33 PM
To: Whiteman, Scott
Subject: C14-04-0163 2207 Pasadena CO notes

RE: Case # C14-04-0163 (2207 Pasadena Avenue)

November 8, 2004

Scott,

Please add the comments below to the file at your convenience.

Thank you,

Chip Harris

P.S. Is it likely or possible that this will be a consent item?

The Crestview Neighborhood Association supports the proposed 25 foot vegetative buffer at the east side of the property at 2207 Pasadena where it is adjacent to 2205 Pasadena. We understand that the resulting zoning will be LR-MU-CO-NP and that nothing besides vegetation will be allowed in this buffer; that is, improvements will be prohibited, driveways will be prohibited and parking will be prohibited, even unauthorized parking. This conditional overlay should include a provision requiring the owner of the lot to physically block vehicular access to the vegetative buffer from the rest of the lot so that it will not be accidentally used for parking or any other prohibited use.

Chip Harris
Unclaimed Property Claims
(512) 936-6255